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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DAN CAPLINGER	§	
	§	
VS.	§	CA No. 4:18-cv-04734
	§	
BOSTON MUTUAL LIFE	§	
INSURANCE COMPANY and	§	
EMPLOYER FLEXIBLE HR, LLC	§	
HEALTH AND WELFARE PLAN	§	

PLAINTIFF'S STIPULATION OF DISMISSAL WITH PREJUDICE

Because Defendant Boston Mutual Life Insurance Company reinstated Plaintiff Dan Caplinger's long term disability claim on administrative appeal on February 8, 2019, and the parties have settled any remaining claims in this matter, Plaintiff Dan Caplinger hereby stipulates that this action is hereby dismissed with prejudice to the refiling of the same pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. The filing of a voluntary stipulation of dismissal pursuant to this Rule is effective immediately. *SmallBizPros, Inc. v. MacDonald*, 618 F.3d 458, 462-63 (5th Cir. 2010).

Mr. Caplinger retains the right to file suit if his disability claim is denied at some point in the future.

Each party shall bear their own attorneys' fees and costs.

Respectfully submitted,

By: _____
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2019, a true and correct copy of the foregoing Stipulation of Dismissal Disclosure was served by hand delivery, certified mail, return receipt requested, fax transmission, or by email to:

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